

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TRAXCELL TECHNOLOGIES, LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Civil Case No. 6:21-cv-00023-ADA

**DECLARATION OF MICHAEL A. BERTA IN SUPPORT OF DEFENDANTS’
MOTION TO DISMISS PURSUANT TO RULE 12(B)(6)**

I, Michael A. Berta, am a Partner at the firm Arnold & Porter Kaye Scholer LLP, counsel of record for Google LLC (“Google”). I make this declaration in support of Google’s Motion to Dismiss Pursuant to Rule 12(b)(6). I state that the following is true and correct to the best of my knowledge and belief:

1. Attached hereto as Exhibit 1 is a true and correct copy of Traxcell Technologies, LLC’s (“Traxcell’s”) Complaint, filed on October 31, 2017 in *Traxcell Technologies, LLC v. Verizon Communications, Inc., et al.*, Case No. 2:17-cv-00721 (“*Traxcell I*”), and which is available as Dkt. 1 in *Traxcell I*.

2. Attached hereto as Exhibit 2 is a true and correct copy of Judge Payne’s Report & Recommendation, signed on October 7, 2019 in *Traxcell I*, and which is available as Dkt. 444 in *Traxcell I*.

3. Attached hereto as Exhibit 3 is a true and correct copy of Traxcell’s Amended Complaint, filed on July 26, 2018 in *Traxcell I*, and which is available as Dkt. 19 in *Traxcell I*.

4. Attached hereto as Exhibit 4 is a true and correct copy of Judge Payne's Claim Construction Memorandum Opinion and Order, signed on April 15, 2019 in *Traxcell I*, and which is available as Dkt. 171 in *Traxcell I*.

5. Attached hereto as Exhibit 5 is a true and correct copy of Judge Schroeder's Order Denying Traxcell's Motion for Leave and Adopting the Markman Order, signed on October 9, 2019 in *Traxcell I*, and which is available as Dkt. 451 in *Traxcell I*.

6. Attached hereto as Exhibit 6 is a true and correct copy of Judge Schroeder's Order Adopting the Report & Recommendations, signed on April 15, 2020 in *Traxcell I*, and which is available as Dkt. 471 in *Traxcell I*.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 19, 2021

/s/ Michael A. Berta
Michael A. Berta